

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES TYRELL DORTCH,

Defendant.

8:08CR77

ORDER

This matter is before the court on the defendant's motion for copies from his criminal case file, including the docket sheet, judgment and commitment, and statement of reasons. **See** Filing No. 103. The defendant filed a nearly identical motion in May 2013. **See** Filing No. 101. Essentially, the defendant again requests a waiver of fees associated with the costs of the copies. The court sentenced defendant on a violation of supervised release on March 14, 2013. **See** Filing Nos. 99, 100.

Under Rule 6(b) of the "Rules Governing Section 2255 Cases in the United States District Courts," a party requesting discovery must provide reasons for his requests and must specify any requested documents. Also, under [28 U.S.C. § 2250](#), if a petitioner is permitted to prosecute a petition for a writ of habeas corpus in forma pauperis, "the clerk of any court of the United States shall furnish to the petitioner without cost certified copies . . . the record . . . as may be required by order" [28 U.S.C. § 2250](#). The statute contemplates the filing of a motion for collateral review of a conviction before free copies of the record are furnished to the moving party. **See** [Chapman v. United States](#), 55 F.3d 390, 390-91 (8th Cir. 1995) (stating any request for a free transcript prior to the filing of a section 2255 motion is premature).

At this time, the defendant has no motions or cases pending before this court, and the defendant makes no showing as to why he needs these copies. Accordingly, the court will again deny the motion. The defendant is, of course, free to request copies of these filings and to pay the costs of the same.

IT IS ORDERED:

The defendant's motion for copies and to waive such costs (Filing No. 103) is denied.

Dated this 1st day of October, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge